

1 WILLIAM P. KANNOW, Bar No. 71409  
wkannow@perkinscoie.com  
2 PERKINS COIE LLP  
1620 26th Street  
3 Sixth Floor, South Tower  
Santa Monica, CA 90404-4013  
4 Telephone: 310.788.9900  
Facsimile: 310.788.3399

5 Attorneys for Defendants  
6 OFFICEMAX INCORPORATED, a Delaware  
corporation, and OFFICEMAX NORTH AMERICA,  
7 INC., an Ohio corporation

8 UNITED STATES DISTRICT COURT  
9  
10 NORTHERN DISTRICT OF CALIFORNIA

11 WILLIAM MINTER, JR., individually  
12 and on behalf of all those similarly  
situated,

13 Plaintiff,

14 v.

15 OFFICEMAX, INC., a Delaware  
16 corporation; OFFICEMAX, INC. fka  
BOISE CASCADE CORPORATION, a  
17 Delaware corporation; BOISE OFFICE  
SOLUTIONS, corporate form unknown;  
18 and, DOES 1 through 500, inclusive,

19 Defendants.

Case No. C07-02399 BZ

DECLARATION OF KATHY POWELL IN  
SUPPORT OF MOTION TO TRANSFER  
ACTION TO THE CENTRAL DISTRICT  
(SOUTHERN DIVISION) PURSUANT TO  
28 U.S.C. 1404(a)

DATE: June 20, 2007  
TIME: 10:00 a.m.  
CTRM: G

20 DECLARATION OF KATHY POWELL

21  
22 I, Kathy Powell, hereby declare and affirm as follows:

23 1. I work for OfficeMax Incorporated ("OfficeMax") as the Field Human  
24 Resources Manager for the southern California market, and in that position cover both of  
25 the stores at which the plaintiff in this action, William Minter, worked (and works), as  
26 well as all of the stores in the southern California market. I am based in Orange County  
27 out of the OfficeMax Distribution Center in Garden Grove, California. I also reside in  
28 Orange County. I have worked for OfficeMax since March 6, 1996. This declaration is

1 based on my personal knowledge, as well as OfficeMax business records maintained in  
2 the ordinary course of its business and personnel data reports produced by OfficeMax  
3 personnel, which I have reviewed.

4 2. Mr. Minter was hired by OfficeMax on July 15, 2004 at store #625, located  
5 at 3665 Pacific Coast Highway, Torrance, CA 90505. Mr. Minter voluntarily separated  
6 from OfficeMax on February 5, 2005, and was rehired on May 19, 2006 at store #628,  
7 located in Orange County at 16272 Beach Boulevard, Huntington Beach, California  
8 92647. Mr. Minter still works for OfficeMax at that location. At all times during his  
9 employment with OfficeMax, Mr. Minter worked in southern California.

10 3. According to OfficeMax's personnel records, Mr. Minter's last known home  
11 address is located in the Los Angeles County, California.

12 4. The evidence and witnesses relevant to this lawsuit will be generated, in  
13 large measure, from the stores at which Mr. Minter worked (and still works), and from the  
14 management and human resource divisions of OfficeMax that were responsible for the  
15 oversight of those stores—all located in southern California.

16 5. I have relevant knowledge of OfficeMax's wage payment, time recording,  
17 rest break, and meal period policies. Employees can and do come to me with concerns  
18 and complaints. I investigate employee complaints where necessary. I keep notes and  
19 files regarding my investigations at my office in Garden Grove, California.

20 6. Employees' personnel files are kept at each employee's individual store  
21 (with the exception of management employees' personnel files which are kept at the  
22 Territory Human Resources office, which for the southern California market is in Garden  
23 Grove, California) until those files are transferred to OfficeMax's headquarters in  
24 Naperville, Illinois following an employee's termination.

25 7. According to OfficeMax's policies and procedures, individual employees'  
26 time and attendance records are to be maintained and available at each employee's store.  
27 The current system for processing and maintaining time and attendance records has been  
28

1 in place since approximately July 2004. Records maintained by the payroll department  
2 are maintained at OfficeMax's headquarters in Naperville, Illinois.

3 8. The store managers, assistant store managers, and/or supervisors at  
4 Mr. Minter's stores will have relevant information regarding each store's staffing needs;  
5 the implementation of OfficeMax's wage, overtime, and rest and meal period policies;  
6 and/or Mr. Minter's individual work experiences at OfficeMax.

7 9. At Mr. Minter's first store, store #625, between July 15, 2004 and  
8 February 6, 2005, the Store Manager was Anthony Jonas. Mr. Jonas is no longer  
9 employed by OfficeMax, but his last known address was in southern California.

10 10. At Mr. Minter's first store (store #625) between July 15, 2004 and February  
11 6, 2005, Mr. Minter's Assistant Store Manager of Sales was Jesse Bustamante. On May 9,  
12 2005, Mr. Bustamante became and remains the Store Manager at store #628, Mr. Minter's  
13 current store, located in Orange County, California.

14 11. At Mr. Minter's first store (store #625) between July 15, 2004 and February  
15 6, 2005, the Assistant Store Manager for Logistics was Raymond Wright. Mr. Wright  
16 separated from OfficeMax on or about April 28, 2006, but his last known address was in  
17 southern California.

18 12. During the majority of the time that Mr. Minter was employed at store #625,  
19 the Copymax Manager was Sean Ramsden. Mr. Ramsden separated from OfficeMax on  
20 or about March 25, 2007, but his last known address was in southern California. The  
21 remaining portion of the time that Mr. Minter was employed at store #625, the Copymax  
22 Manager was Nataka Spencer. Mr. Spencer separated from OfficeMax on or about  
23 September 16, 2004, but his last known address was in southern California.

24 13. During portions of the time that Mr. Minter was employed at store #625,  
25 approximately seven other supervisors were also employed there, five of whom are still  
26 employed by OfficeMax in southern California. For the remaining two supervisors who  
27 are no longer employed by OfficeMax, their last known addresses were in southern  
28

1 California. During Mr. Minter's employment at store #625, approximately 37 employees  
2 also worked at that store in non-supervisory or non-managerial positions.

3 14. During the entire time that Mr. Minter has worked at his current store, store  
4 #628, his Store Manager has been Jesse Bustamante. Mr. Bustamante has been employed  
5 with OfficeMax since May 6, 2004. Mr. Bustamante supervised Mr. Minter at both stores  
6 at which Mr. Minter was employed in southern California. Also at Mr. Minter's current  
7 store (store #628), Mr. Minter's Assistant Store Manager for Logistics is Shannon  
8 Madison. Mr. Bustamante and Mr. Madison each continue to work at store #628 in  
9 Orange County, California.

10 15. During portions of the time that Mr. Minter has been employed at store  
11 #628, including through present day, six other supervisors have also worked there, three  
12 of whom are still employed by OfficeMax in southern California. For the remaining three  
13 supervisors who have separated from OfficeMax, their last known addresses were in  
14 southern California. Also, during Mr. Minter's employment at that store, approximately  
15 27 employees have been employed in a non-supervisory or non-managerial position.

16 16. Both of the stores at which Mr. Minter worked report to District Manager  
17 Randy Harrison. Mr. Harrison has been employed with OfficeMax since December 21,  
18 1998 and has been the District Manager for these stores since January 20, 2003.  
19 Mr. Harrison's base store is #610, located in Orange County at 13742 Jamboree Road,  
20 Irvine, CA 92602. Mr. Harrison also resides in Orange County.

21 17. In his capacity as District Manager, Mr. Harrison is responsible for, among  
22 other things, considering stores' staffing needs, ensuring stores are operated correctly, and  
23 ensuring that OfficeMax's policies and procedures are being followed and enforced.  
24 Mr. Harrison visits each store in his district approximately once per month. Individual  
25 employees are able to - and do - voice complaints or concerns directly to Mr. Harrison.

26 18. Rhonda Lundberg is the current Market Training Manager for the southern  
27 California market. Ms. Lundberg is based out of Garden Grove, Orange County,  
28 California and also resides in Orange County, California. Ms. Lundberg has relevant

1 information on training and orientation for new store management and supervisors, as  
 2 well as ongoing trainings for all associates, regarding OfficeMax's policies including  
 3 those on wage payment, time recording, rest breaks, and meal periods.

4 19. The named plaintiff in *Gonzalez v. OfficeMax North America, Inc.*, Case  
 5 No. 07CC01228 (Mauricio Gonzalez) was hired by OfficeMax on October 22, 1996 at  
 6 store #606, which is now closed. On July 29, 2001, Mr. Gonzalez transferred to store  
 7 #610, located in Orange County at 13742 Jamboree Road, Irvine, CA 92602, and worked  
 8 there for the remainder of his employment. OfficeMax's personnel records indicate that  
 9 Mr. Gonzalez separated from OfficeMax on October 29, 2006 due to "job abandonment."  
 10 OfficeMax's personnel records indicate that Mr. Gonzalez's last known address was also  
 11 in Orange County, California.

12 20. The evidence and witnesses relevant to Mr. Gonzalez's lawsuit will be  
 13 generated, in large measure, from the store in Orange County at which he worked during  
 14 the time periods relevant to his lawsuit and from the management and human resource  
 15 divisions of OfficeMax that were responsible for the oversight of those stores—all located  
 16 in southern California. Randy Harrison is the District Manager who is responsible for the  
 17 store at which Mr. Gonzalez worked. I am the Field Human Resources Manager  
 18 responsible for the store at which Mr. Gonzalez worked and will have knowledge and  
 19 information regarding the policies applicable to the store as well as specific information  
 20 regarding Mr. Gonzalez's allegations because I was tasked with investigating a complaint  
 21 by Mr. Gonzalez relevant to his lawsuit's allegations in Irvine, California.

22 I declare under penalty of perjury of the laws of the state of California and the  
 23 United States that the foregoing is true and correct.

24 Executed at Santa Clarita, CA this 10 day of May, 2007.

25 Kathy Powell  
 26 Kathy Powell  
 27  
 28